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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 SALLY D. VILLAVERDE,
10 *Petitioner,*

3:10-cv-00347-LRH-WGC

11 vs.

ORDER

12
13 GREG SMITH, *et al.*

14 *Respondents.*

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16 This represented habeas matter comes before the Court on petitioner's motion (#22) for
17 extension of time.

18 In its November 11, 2011, order, the Court directed, *inter alia*:

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20 **Second**, counsel must use the proper caption for this matter.
21 Counsel captioned this matter as if it were a federal criminal proceeding
22 brought against petitioner by the United States. This is a federal habeas
 proceeding brought by petitioner against the state respondents. If counsel
 improperly captions another filing in this matter, the filing will be
 stricken.

23 #15, at 1.

24 The order further directed that counsel file a notice certifying that she personally had reviewed
25 the order.

26 Counsel thereafter filed the required notice – captioned under *Sally D. Villaverde v. United*
27 *States of America.*

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1 Counsel thereafter filed two motions, including the present one, captioned under *Sally D.*
2 *Villaverde v. United States of America.*

3 The Court additionally notes that counsel similarly was admonished by the Court in No. 3:10-cv-
4 00743-RCJ-VPC regarding the proper captioning of actions. And counsel nonetheless has continued
5 to caption filings in that habeas matter as if the United States were a party. See ## 17 & 18.

6 Petitioner must name the proper respondent for the Court to have jurisdiction over the petition,
7 and the United States of America clearly is not the proper respondent herein, and never has been.

8 The present motion accordingly will be stricken. If counsel files another paper in this action that
9 is improperly captioned, substantial monetary sanctions will be imposed for counsel's repeated and
10 blatant disregard of the orders of the Court. If counsel continues thereafter to violate the Court's orders
11 in this manner, her appointment in this matter will be vacated and the question of her continued
12 suitability as a panel attorney will be submitted for review by the Judges of this Court.

13 IT THEREFORE IS ORDERED that petitioner's motion (#22) for extension of time is
14 STRICKEN and that petitioner shall have three judicial days to file a properly-captioned motion.

15 DATED this 13th day of March, 2012.



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20 LARRY R. HICKS
21 UNITED STATES DISTRICT JUDGE
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